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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES S. KALFSBEEK,

Defendant.

CASE NO. 2:05-CR-0128 MCE-AC-1

STIPULATION AND [~~PROPOSED~~] ORDER

DATE: December 8, 2014
TIME: 9:00 a.m.
COURT: Hon. Allison Claire

STIPULATION

1. By previous order, this matter was set for an evidentiary hearing on December 8, 2014, pursuant to a motion under 28 U.S.C. § 2255 by James Kalfsbeek based on an ineffective assistance of counsel claim. [See Dkt. # 487.]

2. Securing the presence of the Petitioner, James S. Kalfsbeek, requires that the U.S. Marshal's Service transport him from FCI Mendota to the U.S. District Court in Sacramento. According to the U.S. Marshal's Service, transporting the prisoner from FCI Mendota to the U.S. District Court in Sacramento can take 4-6 weeks. In this and other similar cases, the U.S. Marshal's Service requires that the U.S. Attorney's Office provide it with a Request of the United States Attorney for Production of Federal Prisoner form (the "Request"). The undersigned Assistant United States Attorney in this matter did not submit the Request in time to assure the appearance of the Petitioner, Mr. Kalfsbeek, in time for the scheduled December 8, 2014, hearing. The undersigned Assistant United States Attorney is solely responsible for this oversight and for the fact that Mr. Kalfsbeek will not appear at the U.S. District

1 Court in Sacramento in time for the December 8, 2014, hearing.

2 3. The undersigned Assistant United States Attorney has submitted the Request to the U.S.
3 Marshal's Service and it is anticipated that Mr. Kalfsbeek will arrive at the U.S. District Court in late-
4 December, 2014.

5 4. Counsel for the United States has conferred with Mr. Kalfsbeek's trial counsel, Scott
6 Tedmon, a witness at the evidentiary hearing. Mr. Tedmon is currently scheduled to appear in the U.S.
7 District Court for a 6-week trial starting in mid-January, 2015. Accordingly, Mr. Tedmon has requested
8 that the hearing in this case take place on March 2, 2015.

9 5. Counsel for Mr. Kalfsbeek does not oppose an evidentiary hearing date of March 2, 2015.

10 6. Accordingly, by this stipulation, the parties now move to continue the evidentiary hearing
11 date in this matter to March 2, 2015.

12
13 Dated: December 3, 2014

BENJAMIN B. WAGNER
United States Attorney

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15 By: /s/ CHRISTIAAN H.
16 HIGHSMITH for
17 CHRISTIAAN H. HIGHSMITH
for
Assistant United States Attorney

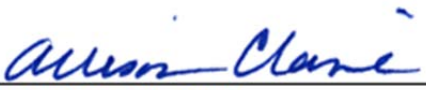
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19
20 Dated: December 3, 2014

21 By: /s/ CHRISTIAAN H.
22 HIGHSMITH for
23 Timothy E. Warriner
24 Counsel for Defendant
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[PROPOSED] FINDINGS AND ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the evidentiary hearing previously scheduled for December 8, 2014, shall be continued to March 2, 2015, at 9:00 a.m.

IT IS SO FOUND AND ORDERED this 3rd day of December, 2014.


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE